February 13, 2024

The House of Representatives

Minnesota

Election Finance and Policy Committee

Rep. Mike Freiberg, Chair

Rep. Emma Greenman , Vice-Chair

**Testimony urging the Minnesota House of Representatives to support HF1064 and call on Congress to Amend the Constitution and Overturn the *Citizens United v. FEC (2010) ruling.***

Dear members of the Election Finance and Policy Committee,

On January 21, 2010, the U.S. Supreme Court ruled in *Citizens United v. FEC* that campaign contributions limits for “independent expenditures” of individuals, unions, and corporations were unconstitutional. In the ruling, the majority argued that spending money in our political process is no different than voicing an opinion; it’s speech and it’s protected under the First Amendment.

The Court’s decision rolled back nearly a century of laws–federal and state–passed by lawmakers from both sides of the aisle who, regardless of political affiliation, agreed that reasonable restrictions can and should be placed on campaign spending by powerful special interests to protect our democracy. *Citizens United* itself struck down key parts of the Bipartisan Campaign Reform Act of 2002 (BCRA), known as the McCain-Feingold Act. BCRA was introduced by U.S. Sen. John McCain and was signed into law by President George W. Bush.

In large part due to the impacts of *Citizens United*, the [Economist Intelligence Unit's Democracy Index](https://infographics.economist.com/2017/DemocracyIndex/) lowered the United States’ rating to a “Flawed Democracy” in 2016 - on the same level as other countries experiencing democratic erosion like Poland and Hungary[[1]](#footnote-0). Despite the alarm being sound, Congress has done nothing, and our [democracy index continues to fall](https://www.eiu.com/n/campaigns/democracy-index-2022/)[[2]](#footnote-1).

I’d like to commend the state of Minnesota for its current [limits on campaign contributions and campaign expenditures](https://cfb.mn.gov/pdf/camfin/contrib_limits_2024.pdf?t=1697068800)[[3]](#footnote-2). However, it’s not enough. *Citizens United* allows corporations and unions to sidestep this regulation by contributing “dark money” to outside political groups, like trade associations and 501(c)(4) social welfare organizations without limit and anonymously. They can contribute, as well, to Super PACs. And they can use a combination of corporate and organizational forms to funnel large amounts of money in ways that are almost impossible to track.

More generally, *Citizens United* and its aftermath resulted in a huge spike in outside spending by corporations and a very small number of the super rich, such that outside spending defines many or most closely contested elections. [Almost $20 million](https://www.opensecrets.org/races/summary?cycle=2022&id=MN06&spec=N) was spent by outside spenders on just one of Minnesota’s eight federal House races in 2022[[4]](#footnote-3). That equals out to just over $26 per constituent. And, all in, [$146 million](https://conservancy.umn.edu/bitstream/handle/11299/219523/Transparency%20and%20Campaign%20Spending%20Report%202020.pdf?sequence=1&isAllowed=y) was spent on Minnesota’s legislative races in 2020.[[5]](#footnote-4)

Currently, the political system rewards politicians who court a handful of major donors and punishes candidates who rely on small donations from a broad base of ordinary citizens. The result: local, state, and national public policies correlate less and less with public sentiment.

But don’t take my word for it. A [major study from Princeton University](http://www.businessinsider.com/major-study-finds-that-the-us-is-an-oligarchy-2014-4) found that “*Multivariate analysis indicates that economic elites and organized groups representing business interests have substantial independent impacts on US government policy, while average citizens and mass-based interest groups have little or no independent influence.[[6]](#footnote-5)”*

Our nation was founded to be “of the people, by the people” and “for the people,” and Americans across the political spectrum agree that big donors have too much power over our government. A [national poll](https://www.bloomberg.com/politics/articles/2015-09-28/bloomberg-poll-americans-want-supreme-court-to-turn-off-political-spending-spigot) found that 80 percent of Republicans and 83 percent of Democrats support overturning *Citizens United.[[7]](#footnote-6)* Few other issues unite us in this way.

Minnesota would not be alone in calling for a constitutional amendment. [22 states, Washington, D.C., and more than 800 municipalities](http://united4thepeople.org/state-and-local-support-2/) have already called for a constitutional amendment to overturn this ruling that’s proved so damaging to our democracy[[8]](#footnote-7). More than [5 million petition signatures](http://www.pfaw.org/press-releases/on-eve-of-fifth-anniversary-of-citizens-united-advocates-reach-5-million-signatures-calling-to-overturn-decision/) have been gathered nationwide calling for an amendment[[9]](#footnote-8).

This ruling weakens states’ rights by opening the doors for deep-pocketed outside interests to disproportionately dominate local elections. This is not normal, nor is it okay.

The founding fathers spoke to the importance of a person’s political influence being the same, regardless of economic bracket. To quote James Madison in the Federalist Papers:

*“Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States*.”

Our current system runs contrary to Madison’s vision. Our current system runs contrary to the will of the people. Our current system caters to the needs of billionaires over the general population, to corporations over small businesses, **and to the political greed of a minority over the common sense of the majority**. The *Citizen United* ruling is central to these wrongs, and Minnesota should join independent-thinking states throughout the nation in calling for the return of our democracy to the people.

### The resolution to overturn *Citizens United,* HF1064 deserves your backing.

 Respectfully Submitted,

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1. The Economist Intellegence Unit Limited. (2017). Democracy Index 2016. The Economist. Retrieved from <https://impact.economist.com/perspectives/sites/default/files/The%20EIU%27s%202016%20Democracy%20Index_0.pdf> [↑](#footnote-ref-0)
2. The Economist Intellegence Unit Limited. (2023). Democracy Index 2022. The Economist. Retrieved from <https://www.eiu.com/n/campaigns/democracy-index-2022/> [↑](#footnote-ref-1)
3. Minnesota Campaign Finance Board. (2023). *2023 – 2024 Election Cycle Segment Contribution Limits.* Retrieved from Minnesota Campaign Finance Board: <https://cfb.mn.gov/pdf/camfin/contrib_limits_2024.pdf?t=1697068800> [↑](#footnote-ref-2)
4. Open Secrets. (2022). Minnesota District 06 2022 Race. Retrieved from Open Secrets: <https://www.opensecrets.org/races/summary?cycle=2022&id=MN02&spec=N> [↑](#footnote-ref-3)
5. Pearson, K., & Jacobs, L. R. (2021). Transparency and Campaign Spending in Minnesota in 2020. University of Minnesota, Humphrey School of Public Affairs. Minneapolis, US: Center for the Study of Politics and Governance. Retrieved from <https://conservancy.umn.edu/bitstream/handle/11299/219523/Transparency%20and%20Campaign%20Spending%20Report%202020.pdf?sequence=1&isAllowed=y> [↑](#footnote-ref-4)
6. Gilens, M., & Page, B. I. (2014). Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens. Cambridge, US: Cambridge University Press. Retrieved from <https://www.cambridge.org/core/journals/perspectives-on-politics/article/testing-theories-of-american-politics-elites-interest-groups-and-average-citizens/62327F513959D0A304D4893B382B992B> [↑](#footnote-ref-5)
7. Stohr, G. (2015, September 28). Bloomberg Poll: Americans Want Supreme Court to Turn Off Political Spending Spigot. Retrieved from Bloomberg: <https://www.bloomberg.com/politics/articles/2015-09-28/bloomberg-poll-americans-want-supreme-court-to-turn-off-political-spending-spigot?embedded-checkout=true> [↑](#footnote-ref-6)
8. United for the People. (n.d.). United for the People. Retrieved from State & Local Support: <https://united4thepeople.org/state-local/> [↑](#footnote-ref-7)
9. People For the American Way. (2015, January 20). On Eve of Fifth Anniversary of Citizens United, Advocates Reach 5 Million Signatures Calling to Overturn Decision. Retrieved from People For the American Way: <https://www.pfaw.org/press-releases/on-eve-of-fifth-anniversary-of-citizens-united-advocates-reach-5-million-signatures-calling-to-overturn-decision/> [↑](#footnote-ref-8)